REMARKS

Claims 1-21 are pending and under consideration. Claim 1 has been amended. Support for the amendment to claim 1 may be found in the claims as originally filed, and in paragraphs [0022] and [0026] of the specification of record. This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding. Further reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicants acknowledge with appreciation the consideration given to their arguments. The applicants are, however, disappointed that their arguments were not found to be persuasive. The final Office Action asserts in section 6, in the third full paragraph at page 13, that:

> First, **Balog** discloses the global profile (see fig. 2), e.g. *"standardized terminal profile"*, which represents profile for any one of the devices or one particular device localized around the environment (see page 2, para 23, lines 12-15) and can be stored in one or more personalization servers (see page 3, para 29, lines 1-18); or in one or more user devices 16 (see fig. 1; page 3, para 31, lines 1-7), e.g. *storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices . . . alternate communication device".*

The global profile 28 of Balog, to the contrary, may be seen in Fig. 2 to contain characteristics specific to a device, a user, a service, etc. The global profile 28 of Balog, consequently, is not a "standardized terminal profile" as recited formerly in claim 1.

Balog, in fact, compiles and archives *specific* device characteristics of devices 16, such as a device address, a device class, device status information, manufacturer, model number, resources, network interfaces, supported network protocols, supported network protocol version, supported user interfaces, operating system and operating system version, in a device characteristics server 32 to form part of the global profile 28, to which the final Office Action analogizes the recited "standardized terminal profile." In particular, as described in paragraph [0023]:

> Each of these devices 16 has specific device characteristics such as a device address, a device class, device status information, manufacturer, model number,

resources, network interfaces, supported network protocols, supported network protocol version, supported user interfaces, operating system and operating system version. The device characteristics are compiled and archived in a device characteristics server 32 to form part of the global profile 28.

Since Balog compiles and archives specific device characteristics of devices 16 in a device characteristics server 32 to form part of the global profile 28, Balog is not "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," as recited formerly in claim 1.

The global profile 28 of Balog, moreover, represents a personal, customized environment that is localized around any one of the devices 16 or one particular device 16, not a "standardized terminal profile." In particular, as described further in paragraph [0023]:

Thus, the global profile 28 represents a personal, customized environment that is localized around any one of the devices 16 or one particular device 16.

Since the global profile 28 of Balog represents a personal, customized environment that is localized around any one of the devices 16 or one particular device 16, Balog is not "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," as recited formerly in claim 1.

The global profile 28 of Balog, moreover, includes a user profile which includes the user's attributes such as, device, first name, last name, password, contact information, user ID, etc, and is thus not a "standardized terminal profile." In particular, as described at paragraph [0029]:

The global profile 28 includes a user profile which includes the user's attributes such as, device, first name, last name, password, contact information, user ID, media preferences, list of devices, list of services, device specifications, device addresses, connections available, user type, time-of-day preferences for the user, and location preferences that can be mapped to services required, and so forth.

Since the global profile 28 of Balog, moreover, includes a user profile which includes the user's attributes such as, device, first name, last name, password, contact information, user ID, etc, Balog is not "storing a standardized terminal profile in at least two of the plurality of communication devices, one of the communication devices in which the standardized terminal profile is stored comprising the alternate communication device," as recited formerly in claim 1.

The final Office Action asserts further in section 6, at the bottom of page 13, continuing at the top of page 14, that:

> Second, both **AAPA** and **Balog** also discloses the communication device communicate with others through the use of terminal profile stored in alternate gatekeeper (see `terminal profile' stored in home gatekeeper and alternate gatekeepers in fig. 1 of AAPA; pages 2-3, paras 5-12) or global profile stored in particular device or any one of the devices (see Balog: figs. 1, 6; page 3, para 29, lines 1-18; para 31, lines 1-7), e.g. "_adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal . . . can connect to the alternate communication device._"

This is submitted to be incorrect. In Balog, rather, each _user_ profile is defined and stored in one or more personalization servers 30, i.e., Balog stores the same user profile in as many personalization servers 30 as necessary, instead of "adapting the standardized terminal profile to a particular communication terminal," as recited in claim 1. In particular, as described in paragraph [0029]:

> Each user profile is defined and stored in one or more personalization servers 30 and made available to a mobility server's 34 content routing application as required in the content routing process.

Since, in Balog, each user profile is defined and stored in one or more personalization servers 30, Balog is not assigning "adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal, when accessing the alternate communication device via the second address, can connect to the alternate communication device," as recited in claim 1.

In Balog, rather, the user 14 may alternatively define a list of preferred devices 16 and create a _mapping_ of the type of content that each of the devices 16 can render, instead of "adapting the standardized terminal profile to a particular communication terminal," as recited in claim 1. In particular, as described in paragraph [0031]:

> In a situation where the user 14 has a plurality of devices 16, the user 14 may alternatively define a list of preferred devices 16 and create a mapping of the type of content that each of the devices 16 can render.

Since, in Balog, the user 14 may alternatively define a list of preferred devices 16 and create a mapping of the type of content that each of the devices 16 can render, Balog is not assigning "adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal, when accessing the alternate communication

device via the second address, can connect to the alternate communication device," as recited in claim 1.

In Balog, finally, the global profile 28 *itself* may be located in one or more devices 16, instead of "adapting the standardized terminal profile to a particular communication terminal," as recited in claim 1. In particular, as described further in paragraph [0031]:

> In an ad-hoc network configuration, where one device 16 serves as a master and the other devices serve as slaves, the global profile 28 may be located in one or more devices 16.

Since, in Balog, the global profile 28 may be located in one or more devices 16, Balog is not assigning "adapting the standardized terminal profile to a particular communication terminal, such that the particular communication terminal, when accessing the alternate communication device via the second address, can connect to the alternate communication device," as recited in claim 1.

Still, in the interest of compact prosecution only, and not for any reason of patentability, the fourth and fifth clause of claim 1 have been amended to recite "storing at least one standard terminal profile in the alternate communication device that can be assigned to different terminals of the plurality of communication terminals," and "as a result of accessing the alternate communication device by a particular communication terminal via the second address, said alternate communication device assigns one standard terminal profile to said particular communication terminal, such that said particular communication terminal can initialize connections via said alternate communication device."

Further reconsideration is requested.

Objections to the Claims:

Claims 1, 2, 5, and 14 were objected to for reciting the term "adapted to." Claim 1 has been amended to remove all tenses of the word "adapt." Withdrawal of the rejection of claim 1 is earnestly solicited.

Claim 2, for its part, recites "adapting" not "adapted to." The gerund "adapting," moreover, is a positively recited operation. It is submitted, therefore, that whether the term "adapted to" suggests or makes optional and only requires the ability to so perform, as asserted in the final Office Action, is not relevant to claim 2.

The recitation "adapted to," moreover, is not a negative limitation. Even if it were, however, there is nothing inherently ambiguous or uncertain about a negative limitation. In particular, as provided by M.P.E.P. § 2173.05(i):

> So long as the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph.

Since the recitation "adapted to," sets forth definitely the boundaries of the patent protection sought, claim 1, 2, 5, and 14 are submitted to meet the requirements of 35 U.S.C. § 112, second paragraph. Withdrawal of the objection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 1-4, 9, 10, 12, 13, 20, and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over the section of the subject application entitled "Background of the Invention" (hereinafter "Background") in view of US Patent Application Publication No. 2002/0022453 to Balog. The rejection is traversed. Reconsideration is earnestly solicited.

In the claimed invention, the standard terminal profile is not configured, i.e. adapted for a particular user, but is rather provided for alternate operation cases, i.e. substitute operation cases. The fourth clause of claim 1, in particular, recites:

> Storing at least one standard terminal profile in the alternate communication device that can be assigned to different terminals of the plurality of communication terminals.

Neither the Background nor Balog teaches, discloses, nor suggests "storing at least one standard terminal profile in the alternate communication device that can be assigned to different terminals of the plurality of communication terminals," as recited in claim 1. The global user profile of Balog, in particular, is not a standard profile (for substitute operation cases), but rather is a user specific profile (for normal operation cases). The global user profile of Balog, consequently, is configured, i.e. adapted, for a particular user.

The global profile of Balog, in fact, appears to be the *only* profile available to a particular device. A user in Balog, in particular, is associated with a global profile having the characteristics of the devices and user attributes, and then one of the devices *best* suited for reception of the information is selected in accordance with the global profile and the data type. In particular, as described in paragraph [0010]:

The method includes the steps of associating a user with a global profile having the characteristics of the devices and user attributes; selecting one of the devices best suited for reception of the information in accordance with the global profile and the data type; and the service provider delivering the information to the selected device.

Since a user in Balog is associated with a global profile having the characteristics of the devices and user attributes, and then one of the devices best suited for reception of the information is selected in accordance with the global profile and the data type, Balog is not "storing at least one standard terminal profile in the alternate communication device that can be assigned to different terminals of the plurality of communication terminals," as recited in claim 1.

Nor is there any basis for the assertion in the final Office Action in section 4, at the top of page 4, that the global profile is stored in servers. In Balog, rather, each *user* 14 is associated with a global profile 28. The global profile 28, in turn, *includes* a user profile, and the *user* profile is stored on a personalization server 30 for retrieval and referencing by the content server 22. In particular, as described at paragraph [0022]:

Now referring to FIGS. 1 and 2, each user 14 is associated with a global profile 28 which includes a user profile comprising the user's 14 attributes such as user name and preferences and device 16 usage patterns. The user profile is stored on a personalization server 30 for retrieval and referencing by the content server 22.

Since, in Balog, each user 14 is associated with a global profile 28 which includes a user profile, and the user profile is stored on a personalization server 30 for retrieval and referencing by the content server 22, Balog is not "storing at least one standard terminal profile in the alternate communication device that can be assigned to different terminals of the plurality of communication terminals," as recited in claim 1.

Balog, moreover, describes only storing the *user* profiles and the device characteristics in the personalization servers 30 and 32, and making them available to the mobility server 34, not the *global* profile. In particular, as described at paragraph [0029]:

Each user profile is defined and stored in one or more personalization servers 30 and made available to a mobility server's 34 content routing application as required in the content routing process.

Since, in Balog, the user profile is defined and stored in one or more personalization servers 30 and made available to a mobility server's 34, Balog is not "storing at least one standard terminal

profile in the alternate communication device that can be assigned to different terminals of the plurality of communication terminals," as recited in claim 1.

Finally, in Balog, the *user* profile 28, not the global profile, is stored in the mobility server 34. In particular, as described in paragraph [0032]:

> Now referring to FIGS. 1 and 2, the user profile 28 is stored in the mobility server 34 and the user 14 is assigned specific access privileges, such as, permitted media types or bandwidth restrictions.

Since, in Balog, the user profile 28 is stored in the mobility server 34, Balog is not "storing at least one standard terminal profile in the alternate communication device that can be assigned to different terminals of the plurality of communication terminals," as recited in claim 1. Thus, even if the Background and Balog were combined as proposed in the final Office Action, claim 1 would not result.

Furthermore, in the claimed invention, at least one standard terminal profile, i.e. an asylum profile, is provided in an alternate communication device, i.e. a gatekeeper. The standard terminal profile is not at first assigned to any particular terminal, i.e. a user. The standard terminal profile, rather, is only assigned to a terminal as a consequence of a login to a corresponding alternate communication device. In that case, the standard terminal or asylum profile is assigned to that terminal by the alternate communication device. The fifth clause of claim 1, in particular, recites:

> As a result of accessing the alternate communication device by a particular communication terminal via the second address, said alternate communication device assigns one standard terminal profile to said particular communication terminal, such that said particular communication terminal can initialize connections via said alternate communication device.

Neither the Background nor Balog teaches, discloses, nor suggests "as a result of accessing the alternate communication device by a particular communication terminal via the second address, said alternate communication device assigns one standard terminal profile to said particular communication terminal, such that said particular communication terminal can initialize connections via said alternate communication device," as recited in claim 1.

Balog, in particular, is not providing a standard terminal profile in an alternate communication device for the special case in which a terminal cannot connect to its standard communication device, i.e. standard gatekeeper. In Balog, rather, the personalization server 30

and the characteristics server 32 select an appropriate target 16 for delivery of the content, i.e., the best terminal is selected for delivering a given content instead of "adapting the standardized terminal profile to a particular communication terminal," as recited in claim 1. In particular, as described in paragraph [0023]:

> Both the personalization server 30 and the characteristics server 32 are involved in the process of selecting an appropriate target 16 for delivery of the content, and are included in the protocol selector 26. Thus, the global profile 28 represents a personal, customized environment that is localized around any one of the devices 16 or one particular device 16.

Since, in Balog, the personalization server 30 and the characteristics server 32 select an appropriate target 16 for delivery of the content, Balog is not assigning "one standard terminal profile to said particular communication terminal, such that said particular communication terminal can initialize connections via said alternate communication device," as recited in claim 1. Thus, even if the Background and Balog were combined as proposed in the final Office Action, claim 1 would not result. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2-4, 9, 10, 12, 13 depend from claim 1 and add further distinguishing elements. Claims 2-4, 9, 10, 12, 13 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2-4, 9, 10, 12, 13 is also earnestly solicited.

Claims 20 and 21:

The eighth clause of claim 20 recites:

> At least one standardized terminal profile included in terminal-relevant data in the alternate communication device, the standard terminal profile being assignable to different communication terminals when accessing the alternate communication device via the second address.

Neither the Background nor Balog teaches, discloses, or suggests "at least one standardized terminal profile included in terminal-relevant data in the alternate communication device, the standard terminal profile being assignable to different communication terminals when accessing the alternate communication device via the second address," as discussed above with respect to the rejection of claim 1. Claim 20 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 20 is earnestly solicited.

Claim 21 depends from claim 20 and adds further distinguishing elements. Claim 21 is the submitted to be allowable as well. Withdrawal of the rejection of claim 21 is earnestly solicited.

Claims 5-8 and 14-19:

Claims 5-8 and 14-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over the Background and Balog in view of US Patent No. 6,119,001 to Delis et al. (hereinafter "Delis"). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 5-8 and 14-19 depend from claim 1 and add further distinguishing elements. Neither the Background nor Balog teaches, discloses, or suggests "storing at least one standard terminal profile in the alternate communication device that can be assigned to different terminals of the plurality of communication terminals," and assigning "one standard terminal profile to said particular communication terminal, such that said particular communication terminal can initialize connections via said alternate communication device," as discussed above with respect to the rejection of claim 1. Delis does not either, and thus cannot make up for the deficiencies of either the Background or Balog with respect to claims 5-8 and 14-19. Claims 5-8 and 14-19 at the submitted to be allowable. Withdrawal of the rejection of claims 5-8 and 14-19 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-21 are allowable over the cited references. Allowance of all claims 1-21 and of this entire application is therefore respectfully requested.

If there are any formal matters remaining after this response, the Examiner is invited to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing this Amendment, please charge them to our Deposit Account No. 19-3935.

Respectfully submitted,

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